

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mahler et al

Appl. No.: 10/026,931

Filed: December 27, 2001

For: Allergy Vaccines



Art Unit: 1614

Examiner: To Be Assigned

Atty. Docket: 0273-0007

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INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed on the accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that an exhaustive search has been made, or that there does not exist information more material to the examination of the present patent application. The Examiner is specifically requested not to rely solely on the material submitted herewith.

- ☒1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.
- ☐2. The Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
- ☐a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐c. Attached is our check no. \_\_\_\_\_ in the amount of \$\_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicants hereby petition that the Information Disclosure Statement be considered. Attached is our check no. \_\_\_\_\_ in the amount of \$130.00 in payment of the fee under 37 C.F.R. § 1.17(i)(1).
- ☐a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- ☐b. I hereby certify that no item of information on this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐4. Relevance of the non-English language document(s) is discussed in the present specification.
- ☐5. The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.
- ☐6. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☐7. The Examiner's attention is directed to co-pending U.S. Patent Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.
- ☐8. Copies of the documents were cited by or submitted to the Office in Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

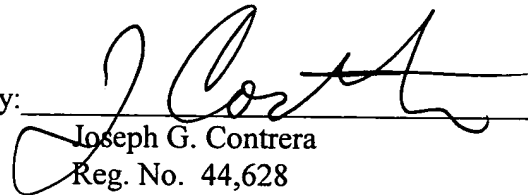
It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. **50-0622**

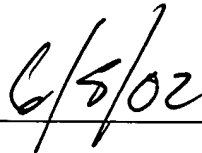
Respectfully submitted,

SHANKS & HERBERT

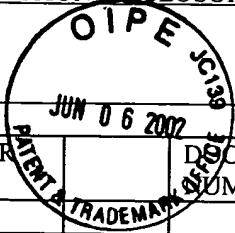
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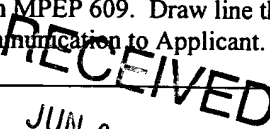
  
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| FORM PTO 1449  |                    | ATTY. DOCKET NO.<br>0273-0007   |                 | APPLICATION NO.<br>10/026,931 |           |   |
| INFORMATION DISCLOSURE STATEMENT   |                    | APPLICANT(S)<br>Mahler et al  |                 |                               |           |   |
|   |                    | FILING DATE<br>December 27, 2001  |                 | GROUP<br>1614                 |           |   |
|  |                    | U.S. PATENT DOCUMENTS   |                 |                               |           |   |
| EXAMINER<br>INITIAL  | DOCUMENT<br>NUMBER | DATE  | NAME            | CLASS                         | SUB-CLASS | FILING DATE   |
|  |                    |   |                 |                               |           |   |
| FOREIGN PATENT DOCUMENTS   |                    |   |                 |                               |           |   |
| EXAMINER<br>INITIAL  | DOCUMENT<br>NUMBER | DATE  | COUNTRY         | CLASS                         | SUB-CLASS | TRANSLATION   |
|  |                    |   |                 |                               |           | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
| OTHER (Including Author, Title, Date, Pertinent Pages, etc.)   |                    |   |                 |                               |           |   |
| A  |                    | Hage-Hamsten, M. et al, <i>Skin test evaluation of genetically engineered hypoallergenic derivatives of the major birch pollen allergen, Bet v 1: Results obtained with a mix of two recombinant Bet v 1 fragments and recombinant Bet v 1 trimer in a Swedish population before the birch pollen season</i> , <u>J. Allergy Clin. Immunol.</u> , 104:969-77 (1999) |                 |                               |           |   |
| B  |                    | Hoffman-Sommergruber, K. et al, <i>High-Level Expression and Purification of the Major Birch Pollen Allergen, Bet v 1</i> , <u>Protein Expression and Purification</u> , 9: 33-9 (1997)   |                 |                               |           |   |
| C  |                    | Kazemi-Shirazi, L. et al, <i>Quantitative IgE inhibition experiments with purified recombinant allergens indicate pollen-derived allergens as the sensitizing agents responsible for many forms of plant food allergy</i> , <u>J. Allergy Clin. Immunol.</u> , 105: 116-25, (2000)  |                 |                               |           |   |
| D  |                    | Lee, W. et al., <i>Abrogation of reaginic antibodies with modified allergens</i> , <u>Nature</u> , 267: 618-19 (1977)   |                 |                               |           |   |
| E  |                    | Lowry, O. et al, <i>Protein Measurement with the Folin Phenol Reagent</i> , <u>J. Biol. Chem.</u> , 193: 265-75 (1951)  |                 |                               |           |   |
| F  |                    | Marsh, D. et al, <i>Studies on 'Allergoids' Prepared from Naturally Occurring Allergens</i> , <u>Immunology</u> , 18: 705-22 (1970)   |                 |                               |           |   |
| G  |                    | Mellerup, M. et al, <i>Safety of allergen-specific immunotherapy. Relation between dosage regimen, allergen extract, disease and systemic side-effects during induction treatment</i> , <u>Clinical and Experimental Allergy</u> , 30: 1423-29 (2000)   |                 |                               |           |   |
| H  |                    | Metzger, W. et al, <i>Clinical and immunologic evaluation of glutaraldehyde-modified, tyrosine-absorbed short ragweed extract: a double-blind, placebo-controlled trial</i> , <u>J. Allergy Clin. Immunol.</u> , 68(6): 442-48 (1981)   |                 |                               |           |   |
| I  |                    | Niederberger, V. et al., <i>Recombinant birch pollen allergens (rBet v 1 and rBet v 2) contain most of the IgE epitopes present in birch, alder, hornbeam, hazel, and oak pollen: A quantitative IgE inhibition study with sera from different populations</i> , <u>J Allergy Clin. Immunol.</u> , 102: 579-91 (1998)   |                 |                               |           |   |
| J  |                    | Pauli, G. et al, <i>Comparison of genetically engineered hypoallergenic rBet v 1 derivatives with rBet v 1 wild-type by skin prick and intradermal testing: results obtained in a French population</i> , <u>Clinical and Experimental Allergy</u> , 30: 1076-84 (2000)   |                 |                               |           |   |
| K  |                    | Vrtala S. et al, <i>Conversion of the Major Birch Pollen Allergen, Bet v 1, into Two Nonanaphylactic T Cell Epitope-containing Fragments</i> , <u>J. Clin. Invest.</u> 99(7): 1673-81 (1997)  |                 |                               |           |   |
| L  |                    | Vrtala S. et al, <i>Genetic Engineering of Recombinant Hypoallergenic Oligomers of the Major Birch Pollen Allergen, Bet v 1: Candidates for Specific Immunotherapy</i> , <u>Int. Arch. Allergy Immunol.</u> , 118:218-19 (1999)   |                 |                               |           |   |
| EXAMINER   |                    |   | DATE CONSIDERED |                               |           |   |
| EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant. |                    |   |                 |                               |           |   |

  
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